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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|------------------------|---------------------------------|-----------------------------|
| 09/894,653 | 06/27/2001 | Daniel Dedu-Constantin | MS146953.01/MSFTP250US | 6973 |
| 27195 7590 07/22/2008 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114 | | | EXAMINER CHEN, TE Y | |
| | | | ART UNIT 2161 | PAPER NUMBER |
| | | | NOTIFICATION DATE 07/22/2008 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| Office Action Summary | Application No. 09/894,653 | Applicant(s) DEDU-CONSTANTIN ET AL. | |
| | Examiner SUSAN Y. CHEN | Art Unit 2161 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8,10 and 30-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 8, 10 and 30-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This office action is in response to the amendment filed on March 26, 2008.

Claims 1-2, 8, 10 and 30-45 are pending for examination; claims 1-2, 8, 34 and 35 have been amended; claims 36-45 have been newly added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 8, 10 and 30-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Holder et al. (US 2002/0019824).

As to claim 1, Holder discloses a system for accessing data as claimed by applicant [e.g., Abstract], comprising:

a) a parser that retrieves and parses information associated with a data source [e.g., the parser at Sections: 0014-0016, 0021];

b) a data document component that receives a portion of the parsed information, the data document component stores a hierarchical model representation of the portion of the parsed information associated with the data source [e.g., the XML tree of Fig. 1, the parsing of stored XML file at Sections: 0012-0018];

c) a data set component that receives the portion of the parsed information. The data set component stores a relational model representation of the at least a portion of the parsed information associated with the data source [e.g., the data set at section 0005, the use of XML schema parsers, editors tool at section 0016, Fig. 3-4 and associated texts];

d) the data set component and the data document component coordinate to enable access to the portion of the parsed information in either representation [e.g., the mapping function performed by the generic processor at Section: 0038, the generic read/update operations performed by the generic processor at Section: 0039] such that changes made to the portion of the parsed information stored in the hierarchical model representation to be synchronized to the relational model representation and changes made to the portion of the parsed information stored in the relational model representation to be synchronized to the hierarchical model [e.g., the use of a generic schema to synchronizing data changes at Sections: 0013-0015, 0021-0022, 0058-0069];

wherein memory coupled to a process retains the parser, the data document component, the data set component or combinations thereof [e.g., Fig(s). 2-4 and associated texts].

As to claim 2, in addition to the limitations recited in claim 1, Holder further discloses that the source data including at least one of relational database document [e.g., Holder: the use of XML schema technique at section: 0022, the use of XML Association tag technique at Sections:0034-0035, claim 5; Lection: col. 1, lines 11-25].

As to claim 8, Holder discloses a system facilitating access to data as claimed by applicant [Abstract], comprising:

an XML data document component that stores a hierarchical model representation of data in an XML source document [e.g., Abstract, the units: the XML tree of Fig. 1 and associated texts, Sections: 0012-0018, the stored XML files at section 0062]; and

a data set component that stores a relational model representation of a portion of the data in the XML source document, the XML data document component facilitates access to the hierarchical model representation of the data and propagates changes to the data via the hierarchical model to the relational model representation of the data set component according to a mapping between the XML data document component and the data set component, the data set component enables relational access to the portion of the data in the relational model representation of the data store by the XML data document component [e.g., the data set at section 0005, the use of XML schema parsers, editors tool processing at section 0016, Fig. 3-4 and associated texts, the use

of a generic schema to synchronizing data and propagating changes on heterogeneous resources at sections: 0013-0015, 0021-0022, 0058-0069];

wherein memory coupled to a process retains the parser, the data document component, the data set component or combinations thereof [e.g., Fig(s). 2-4 and associated texts].

As to claim 10, in addition to the limitations recited in claim 8, Holder further discloses that the system having an XML parser configured to retrieve information from the XML source document, and to send the information to the XML data document component and data set component [e.g., Holder Section: 0021, 0076, Fig. 4 and associated texts].

As to claim 30, in addition to the limitations recited in claim 1, Holder further discloses that the data set component having a structural inference component configured to infer a relational structure of the data source [e.g., Holder : Section 0050].

As to claim 31, in addition to the limitations recited in claim 1, Holder further discloses that the data set component having a schema component configured to receive a schema describing a relational structure of the data source [e.g., Holder: Sections: 0024-0025, 0034].

As to claim 32, in addition to the limitations recited in claim 10, Holder further discloses a structural inference component configured to infer a relational structure of the XML source document [Holder: Section: 0050].

As to claim 33, in addition to the limitations recited in claim 10, Holder further discloses the data set component having a schema component configured to receive a schema describing a relational structure of the data source [e.g., Holder: Sections: 0021-0022, 0034].

As to claims 34-35, these claims recite the same features as claim 1 in form of computer executable media product/system, hence, are rejected for the same reason.

As to claims 36-45, these claims recite similar limitations as claims 1-2, 8, 10 and 30-35 with slightly different wording, hence, are rejected for the same reason.

Response to Arguments

Applicant's arguments filed on March 26, 2008 have been fully considered but they are not persuasive.

The examiner agrees applicant arguments under 35 U.S.C. § 101 that the amended claims 34 and 35 have overcome the 35 U.S.C. § 101 rejection on record.

However, the examiner disagrees with applicant arguments based on newly amended limitations that is moot under the 35 U.S.C. § 102(e) rejections as cited above.

To further assist applicant understand the 35 U.S.C. § 102(e) rejections set above, the examiner directs applicant attention to Fig(s) 1-4 and associated texts, wherein Holder clearly disclosed the following claimed limitations:

For example, at Sections: 0014-0016 & 0021, Holder clearly disclosed the claimed parser that retrieves and parses information associated with a data source.

In addition, Holder clearly disclosed a plurality of XML tree instances (as shown in Fig. 1) that being derived from a data document component which receives a portion of the parsed information from the parser [e.g., the parser at section 0014] such that the data document component stores a hierarchical model representation of the portion of the parsed information [e.g., the modeled (or driven) XML schema representation as shown in Fig. 2] associated with the data source [e.g., the Heterogeneous Resources, as shown in Fig. 2].

Moreover, Holder clearly disclosed the data set component and the data document component coordinate to enable access to the portion of the parsed information in either representation [e.g., the mapping function performed by the generic processor at Section: 0038, the generic read/update operations performed by the generic processor at Section: 0039] such that changes made to the portion of the parsed information stored in the hierarchical model representation to be synchronized to the relational model representation and changes made to the portion of the parsed information stored in the relational model representation to be synchronized to the

hierarchical model [e.g., the use of a generic schema to synchronizing data changes at Sections: 0013-0015, 0021-0022, 0058-0069]; wherein memory coupled to a process retains the parser, the data document component, the data set component or combinations thereof [e.g., Fig(s). 2-4 and associated texts].

Thus, in contrary to applicant arguments, Holder fully anticipated the claimed limitations.

As set forth above, because applicant does not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references and rejection, therefore, it is believed that the rejection should be sustained.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSAN Y. CHEN whose telephone number is (571)272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susan Y Chen/
Partial Sig. Examiner
Art Unit 2161


July 17, 2008

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/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161

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| <div>Application Number</div> <div></div> | Application/Control No. | Applicant(s)/Patent under Reexamination | |
| | 09/894,653 | DEDU-CONSTANTIN ET AL. | |
| | Examiner | Art Unit | |
| | SUSAN Y. CHEN | 2161 | |

Search Notes (continued)

Application/Control No.

09/894,653

Examiner

SUSAN Y. CHEN

Applicant(s)/Patent under
Reexamination

DEDU-CONSTANTIN ET AL.

Art Unit

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| Class | Subclass | Date | Examiner |
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**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

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| Updated texts search on East DB for classes/subclasses: 707/1, 5, 10, 103R; 715/234; 709/223 | 7/17/2008 | TYC |
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